

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
JENIFFER BEDA and NICOLE GARCIA,
individually and on behalf of all others similarly situated,

Case No. 7:22-cv-04827-NSR-VR

Plaintiffs,
-against-

THE NURTURY AT FLANDREAU, INC., THE
NURTURY OF LARCHMONT, INC., THE
NURTURY MONTESSORI AT NORTH
AVENUE, LLC, BRIANNA BANAHAAN, and
CATHLEEN BILLONE a/k/a CATHY BILLONE,

Defendants.
-----X

**NOTICE OF PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION
AND LEAVE TO DISTRIBUTE NOTICE PURSUANT TO 29 U.S.C. § 216(b)**

Please take notice that upon the declaration of Justin Ames, Esq., the declarations of Plaintiffs Jeniffer Beda and Nicole Garcia, and upon the annexed exhibits and accompanying memorandum of law served and filed herewith, Plaintiffs Jeniffer Beda and Nicole Garcia move this court before the Honorable Nelson S. Román, United States District Judge at United States Courthouse, 300 Quarropas Street, White Plains, NY 10601, on a date and time set by this Court, pursuant to 29 U.S.C. § 216(b), for an Order:

- (1) Conditionally certifying this case as a collective action;
- (2) Requiring Defendants, within 14 days of the Court's Order, to produce a computer-readable data file containing the names, last known mailing addresses, last known home and mobile telephone numbers, last known email addresses, work locations and dates of employment, of all potential collective action members who worked for Defendants at any of Defendants' locations at any point from October 25, 2015 to present;

- (3) Permitting Plaintiffs to disseminate Notice of this action, in the form attached as Exhibit 8 to the Ames Declaration, in English, Portuguese, Spanish and all other languages that Defendants identify their workers as speaking, via mail and e-mail:
- (4) Requiring Defendants to post the Notice in English, Portuguese, Spanish and all other languages that Defendants identify their workers as speaking, in a place where employees are likely to view it, in all of Defendants' locations, and provide an affidavit attesting to their compliance and affirming that the Notice will remain posted, unobstructed, for the duration of the entire opt-in period;
- (5) Permitting Plaintiffs to disseminate the proposed Reminder Notice, in the forms attached as Exhibit 9 and Exhibit 10 to the Ames Declaration, in English, Portuguese, Spanish any other languages identified by Defendants, via mail and e-mail, to the potential collective members 30 days after sending the initial Notice; and,
- (6) That the FLSA statute of limitations is tolled from the date of November 27, 2023 until the deadline that the Court approves for potential opt-in plaintiffs to join this action (after the Court permits Plaintiffs to send notice to those potential opt-in plaintiffs).

Dated: December 4, 2023
New York, New York

Respectfully submitted,

AKIN LAW GROUP PLLC

/s/ Justin Ames

Justin Ames, Esq.

45 Broadway, Suite 1420

New York, NY 10006

Tel: (212) 825-1400

*Attorneys for Plaintiffs and the FLSA
Collective*